



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
Richard R. Dickerson et al.) Art Unit: 2856
Application No. 09/905,698) Examiner: Nashmiya Saqib Fayyaz
Filed: July 10, 2001)
For: EXHAUST GAS PARTICULATE)
MEASURING SYSTEM)
Attorney Docket No. 00-714)

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Peoria, Illinois 61629-6490

February 15, 2005

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER TO OVERCOME A PROVISIONAL NON-STATUTORY
DOUBLE PATENTING REJECTION UNDER 35 C.F.R. 1.321(c)

Sir:

I, Jeff A. Greene, am a registered patent agent of record for this invention.

Your petitioner, Caterpillar Inc., having a place of business at 100 N.E. Adams Street, Peoria, IL 61629-6490, represents that it is the Assignee of the entire right, title, and interest to Application Serial No. 09/905,698, filed on the July 10, 2001 for an Exhaust Gas Particulate Measuring System, by Assignment recorded at reel 012758, frame 0052. The evidentiary material has been reviewed and Petitioner hereby certifies that, to the best of its knowledge and belief, title belongs to Assignee.

Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend


beyond the expiration date of the full statutory term of copending Application Serial No. 10/692,871 and hereby agrees that any patent so granted on the above identified application shall be enforceable, only for such period that the legal title to said patent shall be the same as the legal title to copending Application Serial No. 10/692,871, this agreement to be binding upon the grantor, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim any terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term defined in 35 U.S.C. § 154 to 156 and 173 of copending Application Serial No. 10/692,871 if the patent expires for failure to pay a maintenance fee, is held unenforceable or are found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims cancelled by a reexamination certificate, is reissued in any matter or terminated prior to the expiration of the full statutory term, except for the separation of legal title stated above.

The undersigned hereby authorizes the Commissioner for Patents to charge the fee under 37 CFR 1.20(d) from the customers debit account number 03-1129 and contends that this authorization completes the requirements under 37 C.F.R. 1.321(c). The undersigned further believes that this terminal disclaimer places the application in condition for allowance.

A duplicate copy of this terminal disclaimer is attached herewith.

Respectfully submitted,



Jeff A. Greene
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